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| DEC 15 2021 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR OSVALDO FLORES-PADILLA,
aka "Cesar Osvaldo Flores Padilla,"
aka "Cesar Flores,"

Defendant.

2:21-CR- ~~00238~~-GMN-NJK

Preliminary Order of Forfeiture

This Court finds Cesar Osvaldo Flores-Padilla, aka "Cesar Osvaldo Flores Padilla," aka "Cesar Flores," pled guilty to Counts One and Two of a Two-Count Criminal Information charging him in Count One with deported alien found in the United States in violation of 8 U.S.C. § 1326(a) and in Count Two with possession of a firearm by a prohibited alien in violation of 18 U.S.C. § 922(g)(5)(A). Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement ECF No. __.

This Court finds Cesar Osvaldo Flores-Padilla, aka "Cesar Osvaldo Flores Padilla," aka "Cesar Flores," agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and Count Two, to which Cesar Osvaldo Flores-Padilla, aka "Cesar Osvaldo Flores Padilla," aka "Cesar Flores," pled guilty.

1 The following property is any firearm or ammunition involved in or used in any
 2 knowing violation of 18 U.S.C. § 922(g)(5)(A) and is subject to forfeiture pursuant to 18
 3 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

- 4 1. an Izhmash Saiga-12, 12 gauge shotgun, serial number H09427160L;
 - 5 2. an Izhmash Saiga-12, 12 gauge shotgun, serial number 12419749;
 - 6 3. a Smith & Wesson M&P 15-22P, .22 caliber rifle, serial number WAE0763;
 - 7 4. a Taurus G2C, 9 millimeter pistol, serial number TMT34467; and
 - 8 5. any and all compatible ammunition
- 9 (all of which constitutes property).

10 This Court finds that on the government's motion, the Court may at any time enter
 11 an order of forfeiture or amend an existing order of forfeiture to include subsequently
 12 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
 13 32.2(b)(2)(C).

14 This Court finds the United States of America is now entitled to, and should, reduce
 15 the aforementioned property to the possession of the United States of America.

16 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
 17 DECREED that the United States of America should seize the aforementioned property.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
 19 rights, ownership rights, and all rights, titles, and interests of Cesar Osvaldo Flores-Padilla,
 20 aka "Cesar Osvaldo Flores Padilla," aka "Cesar Flores," in the aforementioned property are
 21 forfeited and are vested in the United States of America and shall be safely held by the
 22 United States of America until further order of the Court.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
 24 of America shall publish for at least thirty (30) consecutive days on the official internet
 25 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
 26 describe the forfeited property, state the time under the applicable statute when a petition
 27 contesting the forfeiture must be filed, and state the name and contact information for the
 28 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)

1 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
2 the government may instead serve every person reasonably identified as a potential claimant
3 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
4 Rule G(4)(a)(i)(A).

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
6 or entity who claims an interest in the aforementioned property must file a petition for a
7 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
8 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
9 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
10 right, title, or interest in the forfeited property and any additional facts supporting the
11 petitioner's petition and the relief sought.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
13 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
14 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
15 not sent, no later than sixty (60) days after the first day of the publication on the official
16 internet government forfeiture site, www.forfeiture.gov.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
18 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
19 Attorney's Office at the following address at the time of filing:

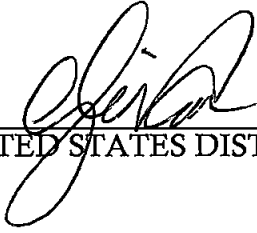
20 Daniel D. Hollingsworth
21 Assistant United States Attorney
22 James A. Blum
23 Assistant United States Attorney
24 501 Las Vegas Boulevard South, Suite 1100
25 Las Vegas, Nevada 89101.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
27 described herein need not be published in the event a Declaration of Forfeiture is issued by
28 the appropriate agency following publication of notice of seizure and intent to
administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED Dec 15, 2021.

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UNITED STATES DISTRICT JUDGE
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